

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.3655 of 1999

DATE OF DECISION: January 8, 2007

Harbhajan Singh and others

....Appellants

VERSUS

Harjinder Singh and others

....

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri K.S.Dadwal, Advocate for the appellants.  
Shri Arun Jain, Advocate for the respondents.

Viney Mittal,J.(Oral).

The plaintiffs are the appellants before this Court. They claimed a declaration qua the site in dispute on the basis of allegations that the said site had been allotted in their favour on January 21, 1938 and as such could not have been allotted afresh in the name of the defendants on March 31, 1989.

However, on perusal of the judgment of the learned First Appellate Court, I find that the Appellate Court has granted the plaintiff-appellants a liberty that if they feel that it is the same plot which has been purchased in an open court auction and the same had been again allotted by the Sales Officer to the defendant respondents, then the plaintiffs can move in the matter for the cancellation of the plot allotted to the defendants and the competent authority may pass an appropriate order.

In view of the aforesaid liberty granted by the Appellate Court, the learned counsel for the plaintiff-appellants does not wish to press the present appeal and states that the plaintiff appellants shall seek their remedy, in accordance with law, in terms of the liberty granted by the Appellate Court.

Dismissed as not pressed with the liberty as claimed.

**January 8, 2007**  
KD

(Viney Mittal)  
Judge